

**In the
Indiana Supreme Court**

IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR DECATUR COUNTY

Case No. *16500-1006-MS-2978* 2010



ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Decatur Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Decatur Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR16-TR79-1 complies with the requirements of Ind. Trial Rule 79, and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR16-TR79-1 for Decatur County Courts, set forth as an attachment to this Order, is approved effective June 1, 2010. The Clerk of this Court is directed to forward a copy of this Order to the Hon. John A. Westhafer, Decatur Circuit Court, 150 Courthouse Square, Suite 6, Greensburg, IN 47240-2089; the Hon. Matthew D. Bailey, Decatur Superior Court, 150 Courthouse Square, Suite 216, Greensburg, IN 47240-2074; to the Clerk of the Decatur Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Decatur Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 8th day of June, 2010.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

LR16-TR79-1 Change of Judge in Civil Cases

When the appointment of a special judge is required under Trial Rule 76, and if the parties cannot agree to a specific eligible judge under Trial Rule 79 (D) or cannot agree that the judge before whom the cause is pending appoint an eligible judge to serve as special judge in the case under Trial Rule 79 (E), then the judge before whom the case is pending shall appoint a panel, as set out in Trial Rule 79(F), of three eligible judges as provided in Trial Rule 79(J).

If a selected special judge does not accept jurisdiction of the case under Sections (D), (E), or (F) of Trial Rule 79, or if a judge disqualifies and recuses under Trial Rule 79 (C), then pursuant to Trial Rule 79 (H), the judge before whom the case is pending shall appoint an eligible special judge from Decatur County or a contiguous county within District 11, or in a contiguous county outside of District 11 if the judge has agreed to serve as a special judge. Each regular sitting judge shall maintain a list of all eligible special judges from Decatur County and contiguous counties and under this local rule shall appoint them sequentially. Eligible special judges shall include regular sitting judges and magistrates from Decatur County, from contiguous counties within District 11, or from contiguous counties outside of District 11 if they have agreed to serve as special judge, and may also include eligible Senior Judges at the discretion of the regular sitting judge.

All regular judges and magistrates from District 11 shall maintain a list of all cases in which they accept appointment as special judge, the type of case, the date of the appointment, and the Court from which they received the appointment. All regular judges and magistrates shall also maintain a list of all cases from their Court wherein they appointed a special judge, the special judge who accepted the appointment, the type of case, and the date of the appointment.

Certification to the Indiana Supreme Court

1. If no Special Judge accepts using any of the methods recited hereinabove, the regular sitting judge shall certify to the Supreme Court for naming of a special judge.
2. The sitting judge may forego the requirements set forth herein and certify immediately to the Indiana Supreme Court for the appointment of a special judge if the particular circumstances of a case warrant selection of a special judge by the Indiana Supreme Court.